REMARKS

Claims 1-7 and 12-17 are currently pending. In an Office Action dated July 27, 2009, the Examiner rejected claims 1, 2, and 4 under 35 U.S.C. §103(a) as being unpatentable over Kokko (U.S. patent no. 5,790,534) in view of Applicant's Admitted Prior Art (AAPA) and Vidyanand (U.S. patent no. 6,330,071). The Examiner rejected claims 3 and 14-15 under 35 U.S.C. §103(a) as being unpatentable over Kokko in view of AAPA and Vidyanand and further in view of Laakso (U.S. patent no. 6,671,512), rejected claims 5, 7, 12, and 13 under 35 U.S.C. §103(a) as being unpatentable over Kokko in view of AAPA and Vidyanand and further in view of Uesugi (U.S. patent application publication no. 2003/0072266), and rejected claims 6 and 16-17 under 35 U.S.C. §103(a) as being unpatentable over Kokko in view of AAPA, Vidyanand, and Uesugi and further in view of Simonsson (U.S. patent no. 6,950,669). The rejections are traversed and reconsideration is hereby respectfully requested.

The Examiner rejected claims 1, 2, and 4 under 35 U.S.C. §103(a) as being unpatentable over Kokko in view of AAPA and Vidyanand. With respect to claim 1, the Examiner contended that Kokko teaches a method used in a base station (BS) (FIG. 1) for determining a jitter buffer depth target that includes determining, by a wireless infrastructure, a radio frequency (RF) load metric corresponding to a BS (FIG. 1, 14 B & C), comparing, by the wireless infrastructure, the determined RF load metric to an RF load threshold to produce a comparison (col. 6, lines 34-36), and a receiving mobile station (MS) having a delay-based buffer with a depth target (col. 7, lines 26-32, wherein MS1 12 monitors a number of packets in buffer 12A to determine with the buffer exceeds a threshold (depth target)).

The Examiner acknowledged that Kokko does not describe a jitter buffer but contended that the AAPA teaches that it is well known that a receiving cellular radiotelephone includes a jitter buffer. The Examiner further acknowledged that neither Kokko nor the AAPA describe a wireless infrastructure determining a jitter buffer depth target of a mobile station (MS) based on the comparison by the wireless infrastructure, of the determined RF load metric to an RF load threshold but contended that this is taught

by Vidyanand (FIG. 14; col. 6, lines 29-33, and col. 7, lines 37-38). The applicants believe that the Examiner has misapplied the cited references.

Kokko is concerned with adjustments at a transmitting end. Column 6, lines 34-36, of Kokko teaches looking at the loading to determined whether to allow a call, that is, whether to grant permission to transmit. Column 7, lines 26-32, then describe a transmit buffer at an MS (see col. 7, lines 23-24). The MS having the transmit buffer then requests to transmit data when more than a threshold amount of data, or data older than some threshold, exists in the buffer. By contrast, claim 1 concerns a playout/receive buffer. This is completely different from a transmit buffer and concerns the other end, that is, the receiving end, of a wireless communication. Therefore, Kokko cannot be construed to teach any aspect of adjustments at a jitter buffer (and it is not surprising that Kokko does not describe a jitter buffer), regardless of the art it is combined with.

Furthermore, column 6, lines 29-33, of Vidyanand merely teaches determining a configuration of a destination printer from "Printer Description information." Column 7, lines 37-38, then describes "determin[ing] the memory size of said destination printer and adjust[ing] the number of master data pages to said destination printer." First, this is an adjustment of the format of the data sent to a printer, that is, a number of master pages sent to the printer, based on a memory size or a memory type of the printer (see also col. 6, lines 3-9 and 41-46), not an adjustment of the memory size. And the adjustment here is being made based on the destination printer's configuration, not based on a loading or even any kind of communication link statistics.

Second, a memory size is not a playout buffer target. The amount of memory needed for a playout buffer is actually larger than the playout buffer target. That is, a playout buffer will vary around the playout buffer's target size, sometimes becoming larger or smaller than the target. These variations are a function of the transport delay jitter. Consequently, the memory allocated for a playout buffer is always larger than, and is not the same as, the playout buffer target. In fact, typically, such a memory allocation by an MS would always be the same regardless of conditions or variations in a buffer target. Therefore, a teaching of a memory size allocation is different from a determination of a jitter buffer depth target.

Therefore, none of Kokko, the AAPA, or Vidyanand, individually or in combination, teaches the features of claim 1 of determining, by the wireless infrastructure, a jitter buffer depth target of a receiving mobile station based on a comparison, by the wireless infrastructure, of a determined RF load metric to an RF load threshold. Accordingly, the applicant respectfully requests that claim 1 may now be passed to allowance.

The Examiner rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Kokko in view of AAPA, Vidyanand, and Uesugi and further in view of Simonsson, contending that Simonsson teaches determining to transmit frames at a higher power level when a determined RF load is lower than an RF load threshold (FIG. 6, step 604, and col. 7, lines 51-58). The applicant respectfully disagrees.

The cited step and section of Simonsson merely state that power may be increased or decreased to bring a data rate to a target level. Nothing here indicates that Simonsson is teaching anything other than the well-known concepts of increasing a transmit power in a high interference environment to improve reception and achieve a target data rate, and decreasing a transmit power in a low interference environment to conserve resources and minimize interference with other channels, as a lower signal power then may be applied while implementing acceptable reception. In fact, column 1, lines 20-27, of Simonsson clearly indicates that this is the teaching of Simonsson, and the fact that this is the teaching of Simonsson is further supported by the paragraph following the cited section, which similarly teaches the well-known concept of increasing a transmit power in a high interference environment to achieve a target C/I and decreasing a transmit power in a low interference environment to achieve the target C/I, thereby conserve resources and minimize interference with other channels in the low interference environment.

In contrast to Simonsson, claim 6 specifically teaches transmitting frames at a *higher power level* when a determined RF load is *lower* than an RF load threshold. Typically, an RF load being below an RF load threshold is an indicator of *low interference*, while an RF load above an RF load threshold is an indicator of high interference. Therefore, the teachings of Simonsson actually suggest the opposite of the

teachings of claim 6, that is, they suggest *increasing* a transmit power when a determined RF load is *higher* than an RF load threshold. None of Simonsson, Kokko, AAPA, Vidyanand, or Uesugi, teaches the feature of claim 6 of transmitting frames at a *higher power level* when a determined RF load is *lower* than an RF load threshold.

For the above reasons, and since claims 2-7 and 12-17 depend upon allowable claim 1, the applicant respectfully requests that claims 2-7 and 12-17 may now be passed to allowance.

As the applicant has overcome all substantive rejections and objections given by the Examiner and has complied with all requests properly presented by the Examiner, the applicant contends that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the applicant respectfully solicits allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter. Furthermore, please charge any additional fees (including any extension of time fees), if any are due, or credit overpayment to Deposit Account No. 50-2117.

Respectfully submitted,
John Harris

By:___/Steven May/_____

Steven A. May
Attorney for Applicants
Registration No. 44,912
Phone No.: 847/576-3635
Fax No.: 847/576-3750